CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Jeffrey	Team: Squad #8	CCRB Case #: 202003580	☐ Force ☐ Discourt. ☐ U.S. ☑ Abuse ☐ O.L. ☐ Injury

Incident Date(s) Sunday, 04/19/2020 3:40 PM	Location of Incident: § 87(2)(b)		Precinct: 88	18 Mo. SOL 10/19/2021	EO SOL 5/4/2022

Date/Time CV Reported Tue, 05/26/2020 10:54 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 05/26/2020 10:54 AM

Complainant/Victim	Type	Home Address
██████████	█████	████████████████████████

Subject Officer(s)	Shield	TaxID	Command
1. POF Glorimar Duran	18998	958535	088 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Keithandre Rueca	20229	965484	088 PCT
2. POM Peter Meegan	15554	967603	088 PCT
3. POM Elbert Tim	15162	942615	088 PCT
4. POM Scott Carlin	06457	964970	088 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Glorimar Duran	Abuse: Police Officer Glorimar Duran threatened to remove § 87(2)(b) to the hospital.	████████████

On May 26, 2020, █ § 87(2)(b) █ filed this complaint with the CCRB via online correspondence #1-1-5905169.

On April 19, 2020, at approximately 3:40 p.m., in the vicinity of █ § 87(2)(b) █ in Brooklyn, █ § 87(2)(b) █ called 911 regarding a dispute he was having with his uncle over his late father's apartment. PO Glorimar Duran of the 88th Precinct was one of the officers who arrived on scene. While speaking to █ § 87(2)(b) █ PO Duran threatened to remove him to the hospital (**Allegation A: Abuse of Authority,** █ § 87(2)(g) █ **).**

The investigation has received multiple Body Worn Camera (BWC) videos of this incident, including footage recorded by PO Duran (Board Review 01).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Glorimar Duran threatened to remove █ § 87(2)(b) █ to the hospital.

During his interview with the CCRB, █ § 87(2)(b) █ stated that he had a disagreement with his uncle over the ownership of his late father's apartment. █ § 87(2)(b) █ s uncle told █ § 87(2)(b) █ he could not be in the apartment and in response █ § 87(2)(b) █ called the police two times. The first time officers arrived they told █ § 87(2)(b) █ he could not enter the apartment without proof of ownership and would have to take his uncle to court. After finding the deed to the apartment on his phone, █ § 87(2)(b) █ called the police a second time. Officers arrived a second time and spoke to █ § 87(2)(b) █ and his uncle. Officers told █ § 87(2)(b) █ he would have to wait for the reading of his father's will. While █ § 87(2)(b) █ was voicing his opposition to what officers told him, a female officer, whom the investigation has identified as PO Duran, told him that he could either leave or he would be removed to the hospital for not listening (Board Review 02). █ § 87(2)(b) █ stated that he used a sarcastic tone when speaking to the officers, but he did not raise his voice. █ § 87(2) █ was not ultimately removed to the hospital.

In her interview with the CCRB PO Duran acknowledged telling █ § 87(2)(b) █ that he could either leave the scene of the incident or she would remove him to the hospital (Board Review 03). According to PO Duran, █ § 87(2)(b) █ appeared to be an Emotionally Disturbed Person (EDP) and that officers can remove EDPs to the hospital. PO Duran defined an EDP as someone who is acting agitated, suicidal, homicidal, or having an episode. When asked why she believed █ § 87(2)(b) █ was an EDP and needed to go to the hospital PO Duran stated that █ § 87(2)(b) █ was not comprehending what officers were telling him, this was the second time that day that police had been called regarding this incident, and that he was yelling and moving his open palms around at shoulder height while he was speaking. PO Duran stated that there were no other reasons for why she threatened to remove █ § 87(2)(b) █ to the hospital. █ § 87(2)(b) █ did not appear to be suicidal or issue any threats to harm anyone. PO Duran did not recall anything regarding █ § 87(2)(b) █ s demeanor being relayed over the radio, only that this was the second time he was calling 911 about this incident. PO Duran stated that none of the officers who had arrived on scene before her had told her anything regarding █ § 87(2)(b) █ s demeanor or behavior.

PO Duran recorded BWC video footage of this incident (Board Review 04 and 05). At 03:30 minutes PO Duran and several officers walked over to █ § 87(2)(b) █ and explained to him that they could not help him enter his late father's apartment. █ § 87(2)(b) █ raised his voice while speaking to the officers and spoke over them. At 07:19 minutes PO Duran told █ § 87(2)(b) █ to

leave the scene of the incident and added "…or we could just send you to a hospital because apparently you are not doing well."

PO Scott Carlin (964970) of the 88th Precinct recorded all of ██§ 87(2)(b)████s interactions with officers during this incident (Board Review 06 and 07). PO Carlin's BWC does not depict ██§ 87(2)██ ████ threatening any of the officers or himself.

The investigation received a recording of radio communications related to this incident (Board Review 08). Central did not provide any information regarding ██§ 87(2)(b)███████s demeanor or his behavior, they only stated that he had reported that a man outside his apartment building had made him feel threatened.

It is undisputed that PO Duran threatened to remove ██§ 87(2)(b)██████ to the hospital, it is also undisputed that ██§ 87(2)(b)████ did not threaten his own safety or the safety of the officers on scene.

PO Duran stated that during the incident ██§ 87(2)(b)██████ was screaming and talking over the officers. ██§ 87(2)(b)████ stated that he did not raise his voice. Video evidence shows however that ██§ 87(2)(b)██████ raised his voice and talked over officers during the incident.

According to NYPD Patrol Guide Procedure No: 221-12 regarding mentally ill and emotionally disturbed persons (EDPs), an EDP is, "a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others" (Board Review 09). Furthermore, this procedure states that it is meant to be used, "When a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others." ██§ 87(2)(g)██████
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Civilian and Officer CCRB Histories

- This is the first complaint to which ██§ 87(2)(b)██████ has been a party (Board Review 10).
- PO Duran has been a member of service for five years. She has been the subject of one prior allegation in one prior case, which was not substantiated (Board Review 11).

Mediation, Civil and Criminal Histories

- ██§ 87(2)(b)██████ rejected mediation (Board Review 02).
- A FOIL request filed with the NYC Comptroller's office indicates that ██§ 87(2)(b)██████ has not filed a Notice of Claim regarding this incident (Board Review 12).
- According to the Department of Corrections of New York State ██§ 87(2)(b)██████ is not currently incarcerated (Board Review 13).

CCRB Case # 202003580

- According to the Department of Corrections of New York City §87(2)(b) ████ is not currently incarcerated (Board Review 14).

§ 87(2)(b)
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- The Office of Court Administration database indicates that §87(2)(b) ████ has no other criminal convictions in NYC (Board Review 16)

Squad No.: _____8_____

Investigator: ___John Jeffrey___   ___Inv. John Jeffrey___   ___10/19/2020___
                    Signature   Print Title & Name   Date

Squad Leader: _Ethan De Angelo_   ___IM Ethan De Angelo___   ___11/12/2020___
                    Signature   Print Title & Name   Date

Reviewer: _____   _____   _____
                    Signature   Print Title & Name   Date

CCRB Case # 202003580